

### REMARKS

The foregoing amendments and the following remarks are responsive to the April 20, 2007 Final Office Action. By this response, Applicant is amending Claims 1, 25, and 80 and is canceling Claim 79 without prejudice.

Thus, after entry of the foregoing amendments, Claims 1-48 and 80-84 are pending and are presented for further consideration. In view of the remarks set forth below, Applicant respectfully submits that Claims 1-48 and 80-84 are in condition for allowance.

#### **Response to Rejections Under 35 U.S.C. § 102(b)**

Claims 1-48 and 80-84 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,774,170 to Hite et al. ("Hite"). Applicant respectfully submits that Hite does not anticipate Claims 1-48 and 80-84 for at least the following reasons.

#### **Claim 1**

Amended Claim 1 recites (emphasis added):

1. A method for displaying a targeted advertisement to a viewer of a display of an audiovisual system in conjunction with displaying a broadcast stream on the display, the method comprising:
  - a. selecting a broadcast stream;
  - b. displaying the selected broadcast stream on the display;
  - c. receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system, **wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting of: specifying how the selected broadcast stream is displayed on the display, replaying the selected broadcast stream, purchasing a good or service, and performing a program search;**
  - d. defining a viewer profile of the viewer of the display based on the viewer command;
  - e. selecting a first advertisement from a plurality of stored advertisements based on the viewer profile of the viewer of the display; and
  - f. displaying the first advertisement on the display.

Applicant submits that Hite does not disclose every limitation of amended Claim 1. For example, Hite does not disclose "receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting of: specifying how the selected broadcast stream is displayed on the display, replaying

the selected broadcast stream, purchasing a good or service, and performing a program search”  
(emphasis added).

The Office Action cites Hite at page 7, line 15 – page 8, line 38 as disclosing features similar to some of the features recited by amended Claim 1. For example, regarding the rejection of Claims 2-9, the Office Action at page 3, lines 16-17 states that Hite teaches “specifying on how to display the first advertisement, and replaying the first advertisement.” However, Applicant submits that these features address the displaying and replaying of the first advertisement, not the broadcast stream as recited by amended Claim 1. Therefore, Applicant submits that Hite does not disclose all the limitations of amended Claim 1, so amended Claim 1 is patentably distinguished over Hite.

Claim 25

Amended Claim 25 is patentably distinguished over Hite at least for reasons similar to those set forth above with respect to amended Claim 1, and for the additional features recited therein.

Claims 2-24, 26-48, and 80-84


Claims 2-24 and 80-82 each depend from amended Claim 1, and Claims 26-48, 83, and 84 each depend from amended Claim 25. Therefore, Claims 2-24, 26-48, and 80-84 are patentably distinguished over Hite for the reasons set forth with respect to the corresponding independent claim, and for the additional features recited therein.

**CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits that Claims 1-48 and 80-84 are in condition for allowance, and such action is earnestly solicited. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By:   
Bruce S. Itchkawitz  
Registration No. 47,677  
Attorney of Record

Dated: July 18, 2007